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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

LAKE CHARLES DIVISION

RUDOLPH PERKINS

CIVIL ACTION NO. 2:08-cv-1906

VERSUS

JUDGE TRIMBLE

TERRY TERRELL, ET AL

MAGISTRATE JUDGE KAY

JUDGMENT

There being no objection to the proposed findings of fact and conclusions of law in the Report and Recommendation of the Magistrate Judge previously filed herein, these findings and conclusions are accepted. Alternatively, this court concludes that the proposed findings and conclusions are entirely correct. Accordingly, it is

ORDERED THAT the Motion for Summary Judgment [doc. 69] be **DENIED** in part and **GRANTED** in part.

1. The motion should be **DENIED** to the extent that defendants claim new evidence establishes that plaintiff's claims are meritless.
2. The motion should be **DENIED** to the extent that defendants claim plaintiff cannot establish personal involvement on behalf of defendants Terrell and Granger. However, the motion should be **GRANTED** as to plaintiff's claims against defendant Calabrese.
3. Finally, the motion should be **DENIED** to the extent that defendants claim plaintiff failed to exhaust his administrative remedies. However, the court will issue a separate order that plaintiff file a new ARP. Plaintiff will have 30 days in which to file the new ARP and the matter will be **STAYED** pending exhaustion of that ARP. Once the ARP has been fully exhausted, the matter may resume upon motion by either party.

THUS DONE AND SIGNED, in chambers, Lake Charles, Louisiana, on this 11 *Ph*

day of September, 2014.

James T. Trimble
JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE